

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ANA EMELISA GUTIERREZ,

Plaintiff,

-against-

COMMISSIONER OF SOCIAL SECURITY

Defendant.

1:24-CV-6670 (LTS)

TRANSFER ORDER

LAURA TAYLOR SWAIN, Chief United States District Judge:

Plaintiff brings this *pro se* action seeking review, under the Social Security Act, 42 U.S.C. §§ 405(g), 1383(c)(3), of the Commissioner of Social Security’s decision regarding Plaintiff’s application for Social Security benefits. For the following reasons, the Court transfers this action to the United States District Court for the Eastern District of New York.¹

An action filed pursuant to Section 405(g) or Section 1383(c)(3) may be brought only in:

the district court of the United States for the judicial district in which the plaintiff resides, or has his principal place of business, or, if he does not reside or have his principal place of business within any such judicial district, in the United States District Court for the District of Columbia.

§ 405(g); *see* § 1383(c)(3) (“The final determination of the Commissioner of Social Security after a hearing under [§ 1383(c)(1)] shall be subject to judicial review as provided in section 405(g).”).

Plaintiff alleges that she resides in Bay Shore, Suffolk County, New York. Because Plaintiff’s residence is not within this judicial district, and as Plaintiff makes no allegation about a principal place of business, venue is not proper in this court under Section 405(g) or Section 1383(c)(3). Suffolk County falls within the Eastern District of New York. *See* 28 U.S.C.

¹ Plaintiff’s complaint and *in forma pauperis* application are unsigned.

§ 112(c). Accordingly, venue lies in the United States District Court for the Eastern District of New York, *see* §§ 405(g), 1383(c)(3), and the Court transfers this action to that court, *see* 28 U.S.C. § 1406(a).

CONCLUSION

The Court directs the Clerk of Court to transfer this action to the United States District Court for the Eastern District of New York. *See* 28 U.S.C. § 1406(a). Whether Plaintiff should be permitted to proceed further without prepayment of fees is a determination to be made by the transferee court. A summons shall not issue from this court. This order closes this action in this court.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and, therefore, *in forma pauperis* status is denied for the purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: September 11, 2024
New York, New York

/s/ Laura Taylor Swain

LAURA TAYLOR SWAIN
Chief United States District Judge